

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:07-HC-2177-BR

UNITED STATES OF AMERICA,

Petitioner,

v.

JAMES BARTON HORN,

Respondent.

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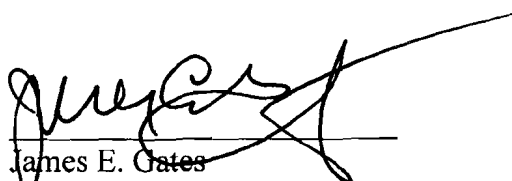
ORDER

This case comes before the court on the duplicate motions (D.E. 43, 44) by respondent for appointment of Dr. Joseph J. Plaud as an additional mental health examiner selected by respondent pursuant to 18 U.S.C. §§ 4247(b) and 4248(b). The court hereby GRANTS respondent's motions (D.E. 43 and 44) and APPOINTS Dr. Joseph J. Plaud as an additional mental health examiner selected by respondent, pursuant to the foregoing statutes.

In accordance with the 19 May 2011 order in *United States v. Gloshey*, No. 5:08-HC-2051-BR (D.E. 58), which shall apply to the instant motions, the Department of Justice ("DOJ") is ORDERED to pay the costs of this examiner in accordance with the Guidelines for Administering CJA and Related Statutes applicable to cases under 18 U.S.C. § 4246, 7A *Guide to Judiciary Policy* ("Guide") § 320.20.60, pending ultimate resolution of the allocation of responsibility for payment of such costs within the federal bureaucracy. The DOJ shall be responsible for not only examination costs, including costs of the associated reports, *see* 7A *Guide* § 320.20.60(g)(1), but also testimony costs, *id.* § 320.20.60(g)(2). The examiner's costs incurred in testifying at a deposition (and the associated preparation) shall be deemed to be included in the testimony costs for purposes of this order.

This order is effective as of 27 September 2007, *nunc pro tunc*.

SO ORDERED, this 20th day of May 2011.



James E. Gates
United States Magistrate Judge